

DIVISION OF MINED LAND RECLAMATION		PROCEDURE NO.	2.3.10
PROCEDURES MANUAL		ISSUE DATE	March 12, 1997
SUBJECT	Permit - Transfers, Assignments, or Sale of Rights	Section	Technical/Permitting
		Last Revised	6-7-93

OBJECTIVE AND INTENT:

To ensure that an application to transfer, assign, or sell permit rights is processed in accordance with 4 VAC 25-130-774.17 of the regulations. And to ensure that if the application is approved, the new permittee will be able to comply with the applicable permanent program standards.

PROCEDURES:

Upon receipt of an application to transfer, assign, or sell permit rights, the Field Inspector shall:

- ensure the name and address of the existing permittee and permit number is provided in the application, as well as the other information required by 4 VAC 25-130-774.17(b)(1).
- conduct an inspection of the existing permit to determine if there are any outstanding violations or situations subject to citation.
- determine if backfilling and regrading is current.
- contact the AVS Program Support Technician to perform an “unofficial AVS check” of the proposed permittee and contractor(s).

The Inspector shall also instruct the applicant to submit:

- a certified map which identifies the remaining coal reserves;
- a listing and status of mining and reclamation equipment (including whether the equipment is owned or leased - and to whom); and,
- a statement that the new permittee will abate any existing violations on the permit within a period acceptable to the Division (Terms of Issuance; Procedure 2.2.12).

Once the applicant has provided the required information in the permit application, the Inspector shall review the material to ensure it complies with the Act and the regulatory program. If the material is acceptable, the Inspector shall sign off on the material and instruct the applicant to submit the complete package to the Division’s Big Stone Gap office for further review.

Once the material is submitted, the Review Inspector shall coordinate the:

- “official AVS check” of the proposed company officials and contractors per Procedure #2.2.05.
- permitting and technical review of the application materials.
- comprehensive review of the proposed operation’s performance bond to ensure that adequate bond would be available in the event of bond forfeiture.

If the application meets the requirements of the Act and regulations, the Division shall approve it. In accordance with 4 VAC 25-130-774.17(e) of the regulations, the Review Inspector shall:

- notify the permittee, successor, commentors, and the OSM of the Division’s findings, and
- if the application is approved, require the applicant to submit “proof of consummation” to the Division prior to issuance of the new permit.

Site Inspections -

Should the permittee have limited experience in operating under the coal regulatory program, the Field Inspector shall monitor the operations more closely during the critical stages of the permit’s approved operations. Once the permittee or contractor has shown adequate proficiency in operating within the approved plans, the frequency of inspection may be adjusted to the normal rate.